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Planning Act Review Committee Recommendations on Development Control



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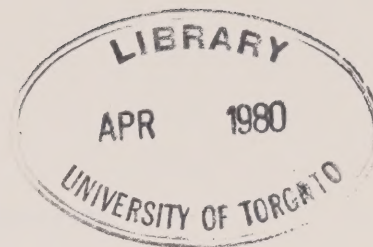
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ON THE PLANNING ACT
Background Paper 3



ANALYSIS OF PLANNING ACT REVIEW COMMITTEE
RECOMMENDATIONS ON DEVELOPMENT CONTROL

Prepared for the Ministry of Housing by
Proctor & Redfern Limited
Consulting Engineers and Planners
May 1979

TABLE OF CONTENTS

	<u>PAGE</u>
1. SUMMARY	
2. INTRODUCTION	1
2.1 Context	1
2.2 Proposal of the Review Committee	2
2.3 Study Objectives	3
3. CORRECTION OF DEFICIENCIES IN PRESENT SYSTEM	4
3.1 Proposed System	4
3.2 Deficiencies of Present System	4
3.3 Correction of Deficiencies	6
4. EFFECT ON TRADITIONAL ZONING	10
4.1 Current Situation	10
4.2 Justification for Change	10
4.3 Initial Problems	11
4.4 Provincial Guidelines	12
5. LIMITATIONS OF TECHNIQUES	14
5.1 Development Review	14
5.2 Temporary Zoning	17
5.3 Incentive Zoning	21
5.4 Zoning Agreement	32
6. OTHER ZONING TECHNIQUES	33
6.1 General Considerations	33
6.2 Impact Zoning	34
6.3 Three Dimensional Tertiary Plan	36
6.4 Conditional Zoning	37

TABLE OF CONTENTS (CONT'D)

	<u>PAGES</u>
7. PLANNING POLICY STATEMENTS	40
7.1 Requirements For Planning Policy Statements	40
7.2 Central Role of Planning Statements	41
7.3 Need for Competent Statements	42
7.4 Need for Specific Legislative Sanction	43
8. EFFECTS ON ADMINISTRATION AND STAFFING	44
8.1 Adequate Planning and Planners	44
8.2 Improving the Technical Support	45
9. CONCLUSIONS	46
9.1 General Considerations	46
9.2 Principles	47
9.3 Approach	48
9.4 Protective Zoning	48
9.5 Temporary Zoning	50
9.6 Conditional Zoning	51

APPENDIX

1. SUMMARY



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I. SUMMARY

In analyzing and evaluating the proposals made by the Committee, we found many positive ideas and suggestions, which, in our opinion, would greatly improve the development control process and the present zoning system.

OTHER TECHNIQUES

While the Committee's discussion was restricted to development permit system vs. modified zoning system, other techniques, such as Impact Zoning, Three-Dimensional Tertiary Plans or Conditional Zoning merit further investigations.

PRE-ZONING

Consideration should be given to the replacement of pre-zoning in a zoning bylaw, with secondary plans made legal instruments. This would avoid unnecessary duplication.

MODIFIED ZONING SYSTEM

If a modified zoning system is chosen, it should be structured three ways:

- protective or permanent zoning
- interim or temporary zoning
- conditional or control zoning

TRADITIONAL ZONING

There is a need to maintain the traditional zoning approach as an option, since it functions satisfactorily in stable areas and small municipalities with low growth rates.

TEMPORARY
ZONING

The three techniques proposed for interim purposes, holding bylaws, interim control bylaws and temporary use bylaws, should be combined under one term, temporary bylaws, in order to avoid unnecessary confusion.

DEVELOPMENT
AGREEMENTS

Zoning Agreements should be included with development agreements and subdivision agreements in one term, development agreements, in order to simplify the system.

TRANSFER OF
DEVELOPMENT
RIGHTS

There is considerable potential to apply the concept of transfer of development rights in a more comprehensive manner. However, much more knowledge has to be developed in this regard.

BONUS
ZONING

The bonus zoning approach should be extended from a density bonus to include also a use bonus.

DEVELOPMENT
REVIEW

The success of the proposed system will depend to a large extent on the objectivity of the development review process. Provincial guidelines, in the form of performance standards, should be introduced in an incremental fashion to end up as an "ONTARIO DEVELOPMENT CODE".

CONDITIONAL
ZONING

It is suggested that zoning techniques which are related to the fulfilment of certain conditions, such as transfer of development rights, bonus zoning and development review be co-ordinated and viewed as the basis of a conditional zoning system.

2. INTRODUCTION

2. INTRODUCTION

2.1. CONTEXT

In 1975 the Government of Ontario appointed a special Committee, the "Planning Act Review Committee" to undertake a major review of the Planning Act, in order to adapt the planning process to the changing needs of the Province.

The Committee, under the Chairmanship of Professor Eli Comay, presented its findings in April 1977 in the "Report of the Planning Act Review Committee" and recommended several major changes.

The Ministry of Housing is now in the process of preparing a White Paper, to indicate the Government's position on the planning process.

The White Paper will be based on a variety of sources:

- Report of the Planning Act Review Committee
- comments on the Report by municipalities, ministries, professionals, developers etc.
- further special studies

This particular analysis belongs in the third category and focusses on the recommendations of the Committee regarding Development Control.

2.2. PROPOSAL
BY THE
REVIEW
COMMITTEE

The Committee concludes that it is not advisable to replace the present zoning system with a system of development permits. Instead, it proposes several improvements to the present system, in particular a more formalized use of interim zoning controls to deal with change and an expanded role for development review to deal with new development.

The Committee feels that these changes would increase the municipal ability to regulate development effectively, while maintaining a sufficient degree of certainty and predictability.

In Chapter 11 of the Report, the various zoning techniques that should be institutionalized are identified as:

- Interim Control Bylaws
- Holding Bylaws
- Zoning Agreements
- Temporary Use Zoning
- Transfer of Development Rights
- Bonus Zoning
- Development Review

Municipalities, in order to be able to use any of these techniques, would be required to spell out clear objectives for the application of each tool, in an adopted planning statement.

2.3. STUDY OBJECTIVES

This study analyzes the implications of the proposed changes with regard to the following specific criteria:

- What effect would the proposed system have on the role, form and scope of the traditional zoning bylaw?
- Are the limitations proposed for each technique adequate to achieve the desired level of control and to cover all circumstances?
- Would the proposed system rectify present deficiencies, such as an inability to control the detailed aspects of developments, or misleading impressions of certainty?
- Are there other forms of zoning techniques that could be incorporated into the proposed system?
- Are planning policy statements a pre-requisite for the operation of these techniques?
- How do the proposed techniques affect the municipal administration?
- What is the experience with transfer of development rights in other jurisdictions?

3. CORRECTION OF DEFICIENCIES IN PRESENT SYSTEM

3. CORRECTION OF DEFICIENCIES IN PRESENT SYSTEM

Would the proposed system correct the deficiencies inherent in the present zoning system?

3.1. PROPOSED SYSTEM

The proposed system of development control combines legislative control through the zoning bylaws with administrative control through development review. It is situated between a universal development permit system and the traditional zoning bylaw.

The Committee feels that a development permit system such as that used in Britain is not desirable, since it lacks certainty and has a high potential for arbitrariness and misuse of municipal power.

It is suggested that the present zoning system, supplemented and refined with the additional techniques proposed by the Committee, would provide an effective and equitable development control mechanism.

3.2. DEFICIENCIES OF PRESENT SYSTEM

As already mentioned, the two major disadvantages of the present system which the Committee emphasized, are the problems of dealing with non-quantifiable detailed aspects of development and the false impressions of certainty.

We should point out that, in our opinion, other deficiencies of the zoning system, which are equally important, should be recognized:

- the static nature of zoning and its limited ability to respond adequately to changing public values (like growth ethics or protection of historic areas), changing technology (like transportation developments or pollution control) and changing conditions (like energy crisis or economic slowdowns)
- a limited ability to effectively regulate the rate of development in established urban centres.
- a limited ability to control and assure a vertical mix of uses which reflects in an appropriate form the complex interactions of urban life.

The final criteria by which any development control system has to be measured is its ability to significantly improve the urban environment. There are many indications that the zoning system does not necessarily achieve this.

We would suggest that much of the present urban disorder results from too many and not from a lack of regulations. When the rules were simple, the urban form was straightforward and coherent. The zoning system, a late nineteenth century planning tool, which originally reflected and perhaps corrected some societal conditions, then became responsible for the spatial segregation of the different functions with all the associated problems. Zoning is also largely responsible for the widespread application of two-dimensional planning which fostered dependency on the automobile. The zoning technique developed in the last century in Germany, on which the North American system is based, grew out of a reform movement much concerned with the housing conditions of the working class during the industrial revolution. The times and the conditions are hardly comparable.

3.3. CORRECTION OF DEFICIENCIES

Our task is not to suggest basic remedies to overcome shortcomings of the zoning system, but to evaluate the measures proposed by the Committee, to see if they will correct any of the inherent deficiencies.

3.3.1. Dealing with detailed aspects of development

The Committee recommends that the scope of development review be broadened and made less particular. In its opinion four general aspects should be covered.

- urban design
- environmental impact
- access and circulation (vehicular & pedestrian)
- operation and maintenance of facilities for public and semi-public use.

Any municipality which wishes to use development review may do so, as long as its planning statement provides a policy and operational framework for its use.

It is clear that this proposal would increase a municipality's ability to deal with detailed aspects of a development which cannot be quantified in advance. This is obvious since the present legislation only allows prescriptive control, supplemented by the circumscribed conditions listed in Section 35a. This allows a municipality to deal conditionally with highway widenings, highway access, driveways, parking, loading, walkways, snow removal, grading, easements, floodlighting, walls, fences, landscaping, garbage, storage, location of structures and external building design. The new proposal would widen this scope.

The question must be asked, would the objective to exercise more detailed control, really achieve a better urban environment? We doubt seriously, for example, if aesthetics can be legislated, but will address this question later on, in discussing the limitations of development review.

In addition to the expanded development review process, the zoning incentive techniques (bonus zoning and transfer of development rights) give the municipality additional tools to control detailed development aspects.

3.3.2. Certainty and Stability

It is the contention of the Committee that zoning frequently misleads the public by providing a false sense of assurance as to the future use of the land and the character of development in their communities.

This concern stems from the presently static nature of zoning, which only inadequately provides for change. Interim controls are presently achieved through:

- Holding designations
- Downzoning to unrealistic levels
- Agricultural designation
- Maintaining obsolete zoning

The Committee feels that the formal recognition of interim control bylaws, holding bylaws and temporary use bylaws would alleviate this problem and provide sufficient certainty for individual property owners.

We concur with the desirability of a systematized approach in a stipulated manner for the various conditions of land use change.

We point out, however, that we find here a major contradiction in the Committee's proposal. On the one hand, it recognizes the dynamic nature of land use controls and deplors the misleading impressions of stability and

certainty, which zoning implies. And, on the other hand, it considers pre-zoning (use, density, height) a necessity in order to assure predictability and certainty. The logical response to this admitted inherent deficiency of the zoning system, would be its replacement with a dynamic system, because the stable areas of today can be the changing areas of tomorrow.

4. EFFECT ON TRADITIONAL ZONING

4. EFFECT ON TRADITIONAL ZONING

4.1. CURRENT SITUATION

In examining the implications that the Review recommendations would have on traditional zoning, it is essential to remember, that over most of the Province some kind of zoning is already in place. In many areas there will be a vested interest in the status quo which will involve two main attitudes:

- A stability and expectation regarding the existing zone; either that the character of a particular area will remain since it is so zoned, or that a certain development will be permitted since the bylaw indicates this.
- A probability of financial return from a change or improvement of use which is presently permitted and which leads to a perceived development right.

If a new type or system of zoning is introduced, it is to be expected that there will be some objection and that the intensity of this can be measured by how much the change will appear to threaten these existing interests.

4.2. JUSTIFICATION FOR CHANGE

The Review draws attention to the need for a municipality to show justification for change to established policies but this is mainly stated in connection with the individual recommendations.

The need for justification where a new system as well as a change is introduced is doubly important, if the opportunity for misunderstandings and status quo reaction is to be minimized. This opportunity does not argue against the validity of the change, but it does call for extra efforts in the establishment of a clear procedure and a clear justification. Without these there is a likelihood that the new system will get off to a bad start and a poor reputation that it does not deserve.

Until experience begets confidence in something new it may be anticipated that many municipalities will prefer to use the system they are used to. Except where present zoning is actually wrong or seriously misleading this may not be a disadvantage. If the recommended mandatory review is adopted, existing zoning procedures that are inappropriate can reasonably be expected to diminish.

It is conceivable and probably quite likely that a tendency to use traditional zoning bylaws will continue, particularly in smaller municipalities that have neither the need nor the concern for more sophisticated forms of control. Provided any revisions to the Act continue to recognize this, the new techniques should be viewed as optional.

4.3 INITIAL PROBLEMS

Since the system proposed by the Review is a more complex one which depends on a relatively sophisticated approach to planning, it is likely that the initial experience will be one of some misunderstandings

and inappropriate application. It is evident from the Review, and from this consultant's experience, that the present application of Section 35a is in many ways unsatisfactory, and the other new approaches may be expected to cause equivalent misuse initially. This should not be viewed negatively. Much new legislation has teething troubles which can be ironed out with time and experience, and planning implementation is far from being an exception.

With time, we are confident that any troubles will decline and that the recommended system has much in its favour. Again, from the evidence of the Review and from our own experience, the principles advocated must help to reduce the development-control-by-amendment approach that is the source of many of the problems identified. In this respect the principles should also reduce, if not eventually eliminate, the confusion and misunderstanding that present usage gives rise to.

4.4. PROVINCIAL GUIDELINES

The fact that several options for zoning will be available to municipalities will likely mean an increase in the size and complexity of bylaws in many cases, where differing conditions warrant more than one technique. However, in certain cases, notably in such places as London, Scarborough or the City of Toronto, the legitimization of techniques already used in a dubious way will give the opportunity to clarify these.

If a technique is clearly lawful, those who use it, and the Province that regulates it, will be ready to discuss mutual experiences and formulate operational guidelines. If the call for provincial guidelines, which the Review makes, is legislated into a formal procedure, there should be ample opportunity for the Province to coordinate zoning approaches and to encourage a common usage.

In brief, the effect on the traditional role of bylaws will be to recognize areas of particular physical change with specific control techniques, which, if they are properly named and identified, will not suggest stability where it doesn't exist. While significant changes may be expected in scope and content, these will mainly be seen in larger municipalities and the recommendation for provincial guidance should give an opportunity to systematize these to everyone's benefit and understanding.

5. LIMITATIONS OF TECHNIQUES

5. LIMITATIONS OF TECHNIQUES

With the limitations proposed by the Committee, would the techniques be able to ensure the desired level of control?

5.1. DEVELOPMENT REVIEW

We start off our discussion of limitations with development review, because we consider this instrument the most critical in the system and at the same time, the proposed regulations for applying it, the most inadequate.

5.1.1. Discretion

In the absence of any requirements in respect of form and content of the supporting planning statement, the proposed tool is a franchise for practically unlimited discretion. The same is true for the existing Section 35a.

Even more importantly, we do not believe that it is a reasonable assumption to expect many municipalities in Ontario to develop any satisfactory operational framework for development review, which would make this tool responsibly objective.

There are several reasons for this opinion.

- Without a three-dimensional urban design concept it is difficult if not impossible to develop design guidelines which promote any innovative urban form. These kind of design criteria are usually based on some outdated concepts built somewhere else, and often quite inappropriate for the proposed context.

- It requires considerable research, far in excess of the capabilities of most municipalities, to define development standards, based on anything more than arbitrary figures.
- Since no qualifications for the administering officers are required, the ironic result is that professionals who need provincial registration (Architects and Engineers) have to get their work evaluated by officials who do not have this requirement.

While development review certainly injects flexibility into the zoning system, the framework proposed by the Committee would ensure the continuation of the presently (under Section 35a) experienced ad-hocery.

We cannot stress enough the danger of this approach. We believe, that only the development of performance standards, based on thorough research, can successfully overcome this major shortcoming. Needless to say, this requires considerable resources and time.

5.1.2. Scope

Use, density and height have been expressly excluded from development review by the Committee. It makes some sense, in this transition, from a pure zoning system to a more flexible mixed system, to exclude use and density. Height

however, is such an essential ingredient of any design concept, that its exclusion would restrict the review process to comparatively irrelevant details. Safeguards would have to be built however, to prevent a municipality from using height restrictions as a means to circumvent density provisions.

Another contentious issue is the regulation of character and external design of buildings. Under the current Section 35(1) 4, councils may pass bylaws for regulating character and external design of buildings and under Section 35a(1) 12, a council may require the submission of perspective drawings and elevations for approval.

Under the Committee proposal the scope of development review would be broadened and made even less particular. The matters to be considered would be grouped under four categories:

- urban design
- environmental impact
- access and circulation
- operation of public and semi-public facilities

Character and external designs presumably would come under 'urban design'.

We have serious reservations about this approach and the desirability of legislating aesthetics. We think that this is not only difficult, if not impossible, but that it conceivably might prevent the worst, while almost certainly preventing the best.

We cannot find much comfort in the Committee's proposal to require planning statements spelling out the objectives to be achieved. With the exception of historic areas with very distinctive qualities, we cannot think of an instance where the explicit regulation of external design of buildings was successful.

We agree that there should be a cut-off point to exclude small scale projects, however we cannot accept the arbitrary figures proposed by the Committee. This decision should be left up to municipalities. A project of 20 housing units is a big scheme with a considerable impact, in the centre of a small village, while an apartment building with 50 units in downtown Toronto is a small project.

The Committee, on the other hand, proposes to leave it up to municipalities to exclude certain classes of development (such as assisted housing) from the review process. We consider this suggestion undesirable indeed. The result could be major projects in sensitive areas without review possibility. In our opinion the

development review should apply to geographic areas, when a demonstrated and justified need for such is spelled out in a formal policy statement.

5.1.3. Process

We consider the provision for an outline decision a very constructive proposal and agree with the Committee's majority, that no public process requirement should be attached to individual development review applications. Experience shows that public participation and input very rarely concerns aspects that are covered under development review. It is land use and density, covered under the zoning bylaw and subject to public notification, that generally elicits broad public response.

5.2. TEMPORARY ZONING

In order to increase the flexibility of the traditional zoning system the Committee proposes several techniques which enables a municipality to exercise temporary zoning controls.

These tools are

- Interim Control Bylaws
- Holding Bylaws
- Temporary Use Bylaws

5.2.1. Interim Control Bylaws

Under the proposed system, Interim Control Bylaws are designed to provide a municipality with an opportunity to review or change the existing land use and regulations in a specific area.

The following regulations would apply:

- 'Resolution of Interest' can freeze permitted uses, but has to specify planning programs.
- Public hearings to be held within 30 days and prior to enactment, determine if bylaws will be enacted.
- Interim control bylaw has to spell out exemption criteria.
- Maximum duration of one year, with possibility of one year extension.

- Original zoning would be restored at expiry date, unless replaced by revised zoning.
- Further use of interim control bylaws would be prohibited for a three year period from expiry date.

5.2.2. Holding Bylaws

The Committee sees two situations where holding bylaws are appropriate. The first is the conversion of rural land to urban use at some future time, and the second concerns environmentally sensitive areas or areas with unusual design requirements which cannot be formulated in bylaw form at the outset.

Holding bylaws could be adopted with the following specifications.

- Authority is limited to rural lands proposed for urban development and land where development impact cannot be established in advance.
- Supporting planning statement has to be adopted.
- Permitted uses during hold have to be specific.

- No time limitations.
- Criteria for considering amendment application have to be spelled out.

5.2.3. Temporary Use Zoning

The third technique proposes to extend the principle of temporary zoning for parking purposes to other uses, with the following regulations:

- zoning for temporary uses should be based on policies in a planning statement.
- maximum time limit of three years with extension possibility of another three years.
- bylaw has to specify uses that come automatically into force on expiration.
- non-conforming use status cannot be secured as a result of such a bylaw.

5.2.4. General Considerations

We find that these three proposed techniques have more common attributes than distinguishing features. They are all variations on the same theme, providing a temporary zoning in areas of change, as opposed to establishing or keeping a more definite designation.

In an effort to simplify the zoning procedures we suggest that these three measures be combined in one, under the following stipulations:

- Non-conforming use status cannot be obtained as a result of a temporary zoning bylaw.
- A planning policy statement has to be adopted which spells out the objectives to be achieved with this instrument, the basis for selecting properties to be covered and the time limitations in relation to the objectives to be achieved. (In our opinion, there can be no provincial interest in setting fixed time limits).
- The bylaw has to specify the interim uses and the criteria for exemptions.
- The bylaw should set forth the uses and densities that come into force at its expiration.
- The conditions under which the bylaw may automatically expire have to be spelled out.

5.3. INCENTIVE ZONING

The Committee proposes two zoning instruments of an incentive character, bonus zoning and transfer of development rights.

We consider this a welcome change from the generally restrictive nature of zoning concepts. As we explained elsewhere, we believe very strongly that the zoning system should and could be changed from prohibitive to positive standards. This involves defining the qualities that should be strived for instead of setting arbitrary negative standards to which a development has to adhere.

5.3.1. Bonus Zoning

Subject to a formal planning statement, establishing the objectives and the award criteria, density bonuses would be legal, under the Committee's proposal. We see no reason why this concept could not be extended to uses, in addition to densities. This would allow municipalities to gradually change their static zoning system to a more flexible conditional zoning system.

Additional uses, like additional densities, can provide a positive incentive for the fulfillment of certain objectives. As long as these additional uses are related to stringent conditions and regulations, there is no reason to withhold this option from municipalities.

A conditional zoning system is based on the principle of exchanging advantages for obtaining private projects which are designed to result in public benefits.

Land Use and density allocations for an area are usually controlled by the capacity of the infrastructure (open space, streets, schools, stores, pedestrian circulation, transit, etc.) By increasing this capacity, an area can accommodate higher densities. Conventionally, these improvements to the infrastructure are paid by the public, while the landowners obtain windfall profits through an increase in density.

A Bonus Zoning System therefore should relate densities and uses to capacities and amenities. In our opinion, the practice of allowing higher densities for assisted housing or special housing (City of Toronto) does not make sense in planning terms. If an area is considered suitable and designated for 100 UPA, it is difficult to see why it should suddenly become suitable for 125 UPA if the units are subsidized.

As an example of a sophisticated Bonus system we mention the regulations for 'The Special Greenwich Street Development District' in New York City. A district plan sets out basic densities and uses together with a comprehensive concept for the improvement of the infrastructure and the increase of density. The elements of this plan are grouped in four categories:

- Fundamental requirements for which there are no bonuses (requirements for retail spaces, restriction on parking and loading

facilities to certain streets, requirements to build to the street line, etc.)

- Mandatory Pedestrian Circulation Improvement (elevated shopping bridge, pedestrian bridges, landscaping of pedestrian decks etc.) Bonuses are measured by the complexity and size of the improvement.
- Elective Pedestrian Circulation Improvement (pedestrian tunnels, improved subway station entrances). Improvements are not necessarily contiguous to the lot.
- Lot Improvements (shopping arcades, elevated shopping ways, loggias, elevated plazas etc.) Bonuses are related to the type and size of the lot improvement.

This system very directly relates the impact of a development on the available district facilities and exchanges higher densities for amenities that otherwise would not be available.

5.3.2. Transfer of Development Rights

Transfer of development rights would be permitted under the Act to achieve the following objectives:

- preservation of privately owned open space
- preservation of significant buildings
- preservation of important urban design features
- promotion of equity between owners of large and small sites

Objectives and criteria for transfer would have to be spelled out in a planning policy statement.

In addition to these instances anticipated by the Committee, the concept of transfer of development rights could be applied in a much more comprehensive fashion.

The transfer of development rights works under the principle of transferring the rights to develop certain lots or areas (preservation areas) to the owners of other sites (transfer areas). Owners of areas to be preserved therefore receive compensation through the sale of development rights, enabling significant historic districts of open space to be preserved from development.

Transfer of development rights, applied at the fringe of urban centres, for example, could promote to a certain extent alternatives to urban sprawl. Particularly in areas with fragmented ownership this instrument could offer a valuable weapon against homogenization of rural land and loss of agricultural land.

Transfer of development rights is a relatively recent planning tool, having been applied only in a sporadic fashion, and it is therefore too early to pass a definite judgement on its success or failure. We believe that the principle of transfer of development rights is sound and offers many intriguing possibilities. However, many variations of this basic theme are possible and therefore, we think that a thorough research and evaluation of this technique should be carried out before it receives a wider application than that envisaged by the Committee.

It seems to us that the following requirements are essential for a proper functioning of a transfer of development rights scheme:

- a clear boundary for a 'transfer of development rights' area.
- within this area a clear distinction between 'preservation sites' and 'transfer sites'.

- a plan projecting the land use and built form in the transfer zone, accommodating all possible transfers, with determination of maximum transfer to be received on each site.
- a determination and allocation of development rights in the preservation area (including allocation of development rights to public buildings to generate funds for a municipal development rights bank).
- a determination of conversion factors for converting development rights issued for one land use to be sold as another land use. (to guarantee a marketability of development rights over time).
- a transfer zone that has characteristics (existing density, infrastructure, location) which provide an incentive to develop at higher density (with the help of development rights) than allowed under the zoning bylaw.
- a municipal development rights bank to maintain a viable market and to regulate the market. (If for example, a historic building is threatened by demolition

because no buyer for the development rights materializes, the municipal development rights bank could buy these rights and sell them at a later date.)

- a clear understanding that preservation sites are not simply all undevelopable land within the area, but only lots without previous environmental restrictions.

As mentioned before we believe that this concept has great promise but warrants a more detailed review. While it cannot be said that this technique has had much of an impact yet, several attempts have been made, such as

- Chicago
The Chicago Plan, designed to save important historic buildings:
A development rights district comprising the downtown 'loop' area has a total gross floor area which may be allocated in different ways.
- New Jersey
New Jersey's general assembly passed enabling legislation for use of transfer of development rights in 1975. It is a comprehensive bill with specific guidelines

for implementation. Any municipality may adopt a TDR ordinance for the preservation of land of historic, economic and environmental significance.

- New York City
Different transfer schemes have been in force, starting with density transfers between contiguous sites to transfer of 'air rights' to lots across the street or intersections and to a scheme which allowed transfer across several blocks to save historic buildings.
- Proposals:
Many other proposals for transfer of development rights have been made for different purposes, such as:
 - Baltimore 'Plan for the Valleys' by Wallace-McHarg Associates is a scheme that uses the profit realized from development to compensate owners of sites, which will not be developed.
 - Georgetown: Transfer of development rights from the historic waterfront to sites along the new subway, to protect the scale of the area, to provide funds for waterfront restoration and to encourage mass transit.

- Virginia: Proposed by Supervisor Moore the scheme is designed to replace zoning. Based on a comprehensive Master Plan development rights could be distributed on a per acre basis and with the filing of a subdivision plan, enough development rights would have to be submitted.
- Maryland: Proposal by Senator Goodman is equally comprehensive and would be based on master plans.

In summary, we believe that the concept of transfer of development rights should be introduced on a trial basis in the limited fashion proposed by the Committee. At the same time a vigorous research program should be undertaken to determine if the concept should be extended in its application.

We see a considerable potential for a much wider application of this tool than envisaged by the Committee. We believe, for example, that the encouragement of more compact development forms or the preservation of agricultural land are objectives, equally valid, as the four conditions cited by the Committee.

In the meantime limited experiments will help find answers to the following questions:

- What is a development right in the Canadian context? (Unlike the American Constitution, which in its Fifth Amendment guarantees property "rights", the Canadian legal framework extends only "privileges" which can be revoked. Is there any right that goes beyond the quiet enjoyment of the property?)
- How low do densities have to be set to provide an incentive for the acquisition of development rights?
- How can the property tax system be used to support this concept?

5.4. ZONING
AGREEMENT

The Committee proposes to make explicit provision in the Act for zoning agreements. They would be permitted subject to a formal planning statement which sets out the objectives and basis for determination of agreements. Matters that can be dealt with in a zoning agreement should be limited, so that the conditions imposed cannot be used to circumvent the statutory powers.

We cannot see the need for three categories: development agreements, subdivision agreements, zoning agreements. In order to simplify the system only one term should be used, probably development agreements. The different instances and conditions could be described in the planning statement.

We agree, however, that the matters that can be covered should be spelled out, in order to prevent municipalities extending the terms indefinitely.

6. OTHER ZONING TECHNIQUES

6. OTHER ZONING TECHNIQUES

6.1. GENERAL CONSIDERATIONS

While we have not undertaken extensive research into development control concepts used in other jurisdictions, we describe here some additional techniques, worthy of consideration in Ontario.

Traditionally, zoning has been more successful in protecting property values and individual rights than in guiding and assuring a satisfactory community development. Efforts to introduce more flexibility into the zoning system are therefore under way in many places.

Most of the approaches to a more flexible application of zoning bylaws involve an administrative discretion in the application of zoning provisions. We have to stress in this context, that discretion should not be confused with arbitrariness. Any development control system has to balance collective interests with individual development rights. The criteria by which any techniques should be measured include:

- Does the technique make the process more objective and equitable?
- Does the technique significantly improve the result, the quality of the urban environment?

The idea that a pure zoning system contains more certainty and objectivity is, in our opinion, a myth. The only certainty about zoning is the assurance that it will not change until the next Council meeting. Given the Committee's preference for a reformed zoning system over an entirely new system, we examine some techniques that are not only supportive of this concept, but that reinforce the long-term trend towards a more sophisticated development control system.

6.2. IMPACT ZONING

Traditional zoning places an over-emphasis on causes rather than on effects. It is negative, restrictive and even exclusionary. It does not recognize planning as a continuous process but assumes an ideal end state and therefore regulates a product instead of a process.

The impact zoning technique on the other hand, is concerned with managing land use change, instead of simply controlling development. It is therefore concerned with the impact a proposed development has on the community and the environment. This technique does not set arbitrary prohibitive standards, but rather positive performance standards emphasizing the qualities to be achieved.

The major drawback we see in the Committee's proposal lies in the fact that the legislative control, the pre-zoning, establishes maximum density, height and use without a detailed

evaluation of its impact and then leaves details of secondary importance to a thorough administrative examination based on, what might be, a nebulous planning statement, without legally enforceable quantitative standards.

Impact zoning establishes land use intensities which are permitted as of right. These are set in a manner so as to safeguard the general safety, health and welfare of existing and future residents. In addition to it, incentives are provided to achieve development quality which is spelled out in quantitative terms. This involves balancing the land use demands with the land use capacities and can also involve offering incentives for definite benefits to the community, such as provision of additional amenities.

The basic difference with the Committee proposal consists in defining low instead of high intensities as rights and defining the development criteria as performance specification, instead of arbitrary prohibitive standards, coupled with qualitative standards in a planning statement.

A secondary plan would therefore not identify a definite land use pattern representing an ideal end state, but would rather spell out the critical elements, the infrastructure with development constraints and the objectives to be achieved.

One of the basic misconceptions in the Committee proposal, in our opinion, is the notion that it is possible to write design criteria or design guidelines, simply based on a secondary plan which identifies land use, density and height. This approach practically assures a perpetuation of mediocrity.

6.3. THREE-DIMENSIONAL TERTIARY PLAN

A technique which is widely used in Europe involves the preparation of a three-dimensional architectural concept for development areas.

Ideally a three-dimensional tertiary plan is arrived at through an architectural competition and forms the basis for establishing zoning and development control provisions.

The advantages of this technique are numerous:

- The community can make an intelligent contribution, since it can choose between distinctly different concepts and is aware of how the land use concept is going to be translated into built form.
- The zoning and development control provisions can be tailored to a particular situation, but unlike the ad-hoc site plan bylaw approach, continuity within a larger area is assured.

- Architectural innovation is not curtailed by design guidelines, which are based on some previous scheme or more likely on no concept at all.

6.4. CONDITIONAL ZONING

The conditional zoning approach elevates such techniques as bonus zoning or transfer of development rights from system tinkering tools to major zoning instruments. And of course, the incentive idea is extended to cover all development aspects including use.

Unlike contract zoning, however, the conditions under which development can proceed, are spelled out in advance. Many variations under this system are possible.

Minimal uses and densities can be allowed as of right. Additional uses and increased densities are allowed by fulfilling certain conditions. These can be mandatory conditions or a combination of mandatory and optional conditions, regulated by a point system.

Conditions under which development is being regulated can cover such topics as:

- amenities
- timing
- location
- design
- land use mix

This system can be conceived in such a way that a point system can be used to regulate the rate of development. That means in any given time period the projects with the highest point scoring are given the go-ahead. Or it can simply be used to reward better performance in environmental terms and a higher contribution to the community.

This conceptual framework does give a high certainty and predictability with a simultaneous infinite flexibility.

As an example of such a system we mention the 'Housing Quality Program' in New York City which was adopted as an optional program in 1976. A 'Housing Quality Special Permit' being issued once a minimum number of points under the program scoring system is achieved. The Department of City Planning then may waive whatever present height, setback and coverage restrictions an architect requests.

The program elements are divided into four categories:

- neighbourhood impact (off-site sunlight, street wall length, street wall height, building height, ground floor activity, street trees).

- recreation space (type and size, sunlight on-site, parking criteria, landscaping, trees).
- security and safety (density of public corridor, visibility of elevator doors from public space, visibility of private outdoor space from the lobby, surveillance from apartments, entry of building from parking garage or lot, visibility of elevator door to apartment door).
- building interior (size of apartment, sunlight in apartment, window size, visual privacy on-site, visual privacy off-site, cross ventilation, daylight in public corridors, pram, bicycle and bulk storage, waste storage).

Guidelines state in detail how compliance may be obtained and measured. Once again, this approach provides a great flexibility to deal with individual sites and it defines actual housing qualities, rather than rigid building standards.

7. PLANNING POLICY STATEMENTS

7. PLANNING POLICY STATEMENTS

7.1 REQUIREMENTS FOR PLANNING POLICY STATE- MENTS

In our opinion, there will be a heavy reliance, if not a critical one, on having adequate planning policy statements if the proposed system is to work well. The recommendations call for such statements as a basis for:

- Holding bylaws, giving the specific objectives to be achieved and the basis for the areas covered.
- Temporary zoning, limited to the objectives specified.
- Zoning agreements, giving the objectives for requiring them and the basis for determining them.
- Transfer of development rights, giving the objectives and the basis for transferring density.
- Bonus zoning, giving the objectives being sought and the criteria employed for awarding this.
- Development review, giving the objectives to be achieved and a policy and operational framework.

In addition, it is to be expected that many such statements will result through the use of interim control bylaws. Moreover, interim uses are to be permitted with both holding and interim bylaws, and while the Committee recommends that decisional criteria for interim uses be part of the bylaw itself (11.20), these could more advantageously be in the planning statement, since they involve policy rather than standards.

7.2 CENTRAL ROLE OF PLANNING STATEMENTS

From this synopsis the crucial role of planning statements can readily be imagined since they are presupposed for virtually every type of control operation. Furthermore, in each case the objectives are to be stated and other aspects of the basis, criteria, policy and operational framework are also called for. A moment's reflection will show that all of these can be argued as applicable in each case and that what is needed is

- A planning statement which clearly defines the objectives, basis, criteria and operational framework for the exercise of all zoning and development control techniques.

The desirability of agreeing with the specific recommendations, or even with a general proposition, depends very much on having confidence that these planning statements will be competently framed and will give the requisite guidance.

7.3 NEED FOR COMPETENT STATEMENTS

The Committee proposes generally (6.17) that the statements specify objectives, indicate how these are to be attained and establish procedures for review and public consultation. It also proposes that development regulation, and planning authority, be only exercised on the basis of formally adopted policy. If these and the complementary injunctions for each specific zoning approach are legislated, then the framework for statements will be both forceful and indicative. In our opinion, they would set an appropriate legislative stage for the statements by requiring them and giving their general content. It will remain for the municipalities to determine their adequacy.

In this regard, there is a critical need to improve both the technical content and the administrative efficiency. The Review does not deal in substance with these issues and apart from the general prescriptions it specifically states that "good" planning should be a matter of local norm. However, good planning is not the same as adequate planning. Good planning has much to do with values and as such is correctly a matter of local norm. Adequate planning has much to do with tools and technique and is a matter of much wider concern for which there must be sufficient provincial responsibility.

This topic is extensively explored in a predecessor study on municipal planning entitled "Subject to Approval". The recommendations made there remain essentially valid. Although some technical progress has been made in the last four years, there is still a lack of base maps, statistics and provincial policy. Unless this lack can be more rapidly overcome, adequate planning will be found more in the larger municipalities than in the small ones. If it is the larger municipalities that avail themselves of the recommended techniques then the situation may not be especially discouraging.

7.4 NEED FOR SPECIFIC LEGISLATIVE SANCTION

One point may be repeated here, since we feel that the need to disseminate both the provincial interest and technical guidelines for municipal planning would be essential to the improvement of the policy statements. This is that

- The Planning Act empowers the Minister to issue circulars enunciating new policies, procedures or regulations pursuant to the Act, and
- The legislation requires that copies of all circulars be lodged with each municipal clerk or planning secretary and be available for public reference.

8. EFFECTS ON ADMINISTRATION AND STAFFING

8. EFFECTS ON ADMINISTRATION AND STAFFING

8.1 ADEQUATE PLANNING AND PLANNERS

As a system to regulate and control development, the recommendations will demand a more sophisticated approach to planning and to zoning administration in those municipalities that choose to use them.

We have pointed out the dependence upon an adequate planning statement and this obviously implies adequate planners to prepare such statements. If these are competently done, the subsequent zoning administration can be expected to be reasonably straightforward. If they are not competent, the effect on staff and administration may well be more frustrating and more complicated than the present approach.

We have also pointed out that smaller municipalities with less staff, and those without, may find the more sophisticated techniques beyond their grasp and even not necessary. In this regard there is surely a need for access to a planner. Several counties and most regions now have planning departments which offer necessary planning administration to constituent municipalities and these are growing. More mature planning will certainly reinforce this trend which should be welcomed. If it does indeed continue, then it is reasonable to hope that most municipalities will eventually have access to adequate planning staff and the new techniques will stand a better chance of being used in an administratively expeditious fashion.

9. CONCLUSIONS

9.1. GENERAL CONSIDERATIONS

The present development control system requires substantial changes in order to adapt it to present needs.

We agree with the Committee that there are sound reasons for not replacing the traditional zoning system with a universal development permit system.

However, our perception of the deficiencies of the present zoning system is somewhat different from the Committee's.

In analyzing and evaluating the proposals made by the Committee, we found many positive ideas and suggestions which, in our opinion, would greatly improve the development control process.

Some of the proposed techniques could be made more effective through minor adjustments.

The development review process, as prescribed by the Committee, would in our opinion, have great difficulties in achieving its objectives.

Our task was not to investigate alternatives to the zoning system, but rather to evaluate techniques, designed to improve the zoning system.

9.2. PRINCIPLES

Before spelling out our recommendations for specific changes to the present and the proposed instruments, we list some of the major principles upon which the total system and the individual tools should be built.

These principles include:

- Availability of several options within the system to accommodate any case from small municipalities with low growth rates (traditional zoning system adequate) to large cities with development pressure (more sophisticated instruments warranted).
- Increase in objectivity to assure predictability and equity. (Development control by objectives and not by exceptions.)
- Acceptance of discretion (but not arbitrariness) to ensure flexibility.
- Simplicity of the system to increase general understanding of the process and reduction of time requirement.
- Transition from arbitrary development standards (defining prohibitions) to performance standards, (defining qualities to be achieved). Emphasis on effects and not on causes.

- Concentration on process and transitional planning, rather than on product and ideal end states. Move from a static development control system to a more dynamic one.

9.3. APPROACH

We believe, with the Committee, that the general application of zoning bylaws for protective purposes as well as for control purposes creates problems.

A rational conceptual response to this situation would, in our opinion, involve the structuring of the development control instruments under three categories:

- protective or permanent zoning
- interim or temporary zoning
- conditional or control zoning

9.4. PROTECTIVE ZONING

The protective function of zoning is well fulfilled by the traditional zoning bylaw.

There are many areas - small municipalities with little or no growth and stable developed neighbourhoods within urban centres are examples - which do not require instruments any more sophisticated than a zoning bylaw which sets out prohibitive standards. The area is developed, has a character, and it can well be argued that any infill projects are small in relation to the existing

development and therefore should generally conform to prevailing local standards.

Notwithstanding this observation, we believe that there are many arbitrary standards and curious anomalies in many, if not most, bylaws, that could and should be rationalized. If zoning is to continue, then the province should carry out some research into this matter and develop a better system that could be adopted by municipalities over time.

We see definite relationships between the size of a municipality and the required development techniques, between the stability of an area and the desirable controls and between the scale of projects and the necessary restraints.

The provision in the Committee's proposals which gives a municipality the option to engage in development review or to restrict it to critical areas, is therefore very constructive.

The drawback, of course, of this optional program, is the problem for larger municipalities to end up within their jurisdiction with two different sets of rules, a traditional zoning bylaw and a system that might consist of prezoning combined with development review.

This arrangement might be adequate for a transition period. However, given the opportunity for a municipality to exercise development control by zoning bylaw only, despite all the deficiencies, consideration should be given in the future to allow a municipality to choose the other extreme which might take the form of impact zoning, with potentially less deficiencies.

But, we stress again, the option for a zoning bylaw should be left open in the Act since this simple instrument has a useful function as a protective device, in many instances, and for a long time to come.

9.5. TEMPORARY ZONING

The traditional zoning bylaw is a cumbersome instrument for responding to change. Municipalities should therefore have a tool with which they can establish temporary rules.

The conditions under which this technique can be employed should be spelled out in advance. It should cover situations like

- developed urban areas undergoing change and requiring new permanent regulations.
- undeveloped areas for which the development criteria cannot be determined in advance.
- undeveloped areas which are not yet ripe for development, because of lack of infrastructure.

- developed or undeveloped areas requiring a change of regulations to cover temporary special circumstances.

The techniques proposed by the Committee (Interim Control Bylaws, Holding Bylaws, Temporary Use Bylaws) should be combined in one single instrument: Temporary Zoning Bylaws.

Common to all situations where this instrument should be used is a time element. Time is a critical component in

- matching the development rate with the infrastructure capacity, in areas of growth.
- replacing existing regulations with new ones not yet determined, in areas of change.
- finalizing permanent regulations in environmentally difficult areas.
- amending existing regulations to accommodate special circumstances of a limited nature.

9.6. CONDITIONAL ZONING

The traditional zoning bylaw is inadequate for controlling new development, taking individual constraints or potential into account. It is equally inflexible in promoting certain planning objectives which are related to special conditions.

In response to this, the Committee identified four techniques which are designed to overcome these shortcomings:

- Development Review
- Bonus Zoning
- Transfer of Development Rights
- Zoning Agreements

9.6.1. Development Review

As mentioned earlier, we believe that the development review system proposed by the Committee would have great difficulties fulfilling its function properly.

A fundamental error underlying the proposal is, in our opinion, the assumption that municipalities have the competence or the resources to establish a satisfactory operational framework.

We believe that it is neither possible nor desirable to have every municipality in Ontario, that wants to engage in development review, develop its own set of standards and criteria. In the absence of definite standards within which discretionary power can be exercised, a totally arbitrary system would emerge.

9.6.2. Ontario
Development
Code

We strongly recommend therefore that the Province undertake the task of defining development standards that are based on a vigorous research of the respective subject matters.

It is our submission that the vast majority of standards to be applied, should not differ from municipality to municipality, because there is, with few exceptions, no rationale for it.

A point we cannot stress enough is the idea of regulating the performance of the developments rather than technicalities. A Development Code which would limit the discretionary power of the administering officer, should therefore, not unlike the Ontario Building Code, contain performance standards which define the qualities to be achieved. The means by which these qualities will be achieved should be left to the imagination of the designer.

As an example, it is perfectly meaningless to require an arbitrary side yard distance. A side yard, in cases where it is required, should be the result of compliance with performance standards regarding privacy, sunlight penetration, fire protection, tree preservation, rear yard access, building maintenance etc.

Arthur Erickson, in a recent letter regarding the "suggested code for energy conservation in buildings" underlined this need for performance specification very eloquently:

"Surely we should know by now that it is not the details that should be regulated but the principles. It is the standards of performance that we should be seeking and setting as criteria not technicalities which will vary with every case. We should know by now that restrictive regulations in a time of continually changing technology are an anathema to any kind of progress and only fosters the general cynicism that regulations are for the breaking thereof.

Unfortunatley, the specialized mind allows itself to be creative within very restrictive limits - it must follow its premise down the blind alleys to absurdity. And that mind is what the present regulations represent. Must we continue to commission the blind to herd the blind - for that is what a group of "experts" is bound to do if there is no one of a broader cultural or philosophical base to put this valuable expertise into some meaningful context.

It is inconceivable to me that serious individuals of this kind would collectively have the temerity to suggest rules to regulate window sizes in buildings (Subsection 3.3) to 40% of the exterior wall surface. A regulation like that is meaningless, completely inhibitive to any creative solutions for meeting energy goals, and ignores the deep psycho-cultural issues of northern climate dwellings. The fact that the whole development of glazing for building enclosures was almost unique to the northern countries and has a special and long founded significance there, is totally ignored. Glazed curtain walls were developed for the gothic cathedrals and again for office buildings in our times and for the same reason - illumination.

Illumination is a factor that seems to be totally ignored by our experts. Ignored also is the fact that glazing is the most efficient means of introducing radiant energy into a building during daylight if properly exposed to the sky. These are the potentials that should be drawn on and not excluded by superficial or ill thought-out regulations. Instead of regulations such as Subsection 3.3 there should be standards set for energy use and loss per cubic volume of building - thus requiring what Government seeks: methods of energy conservation, without specifying how it is done to encourage creative solutions, which is what Governments are looking for. Regulations such as Subsection 3.3 could be a serious setback to building technology and virtually prevent viable solutions to energy conservation being found."

In the absence of a provincial Development Code either one of two things will happen:

- Municipalities will continue to include in rezoning all kinds of prohibitive standards and confine the development review to comparatively irrelevant matters, or
- Municipalities will confine rezoning to density, use and possibly height and will operate a totally arbitrary development review process because it exceeds their ability to develop performance standards on their own.

We recognize the need to introduce this concept of an "Ontario Development Code" in an incremental fashion. First of all it will take several years to define these standards, based on extensive research. And secondly, the need for adjustment time for all parties involved is evident.

We suggest, as a strategy, that in the beginning these provincial standards be introduced as Minister's regulations preferably covering more technical aspects. Then gradually more substantial matters could be covered by performance regulations.

9.6.3. Transfer of Development Rights

We welcome the Committee's proposal for Transfer of Development Rights as an innovative measure.

The concept of development rights transfer could have a much more comprehensive application than was suggested by the Committee. We believe that it deserves further investigations.

In the meantime, municipalities should have an opportunity to experiment with this tool, restricted to the four situations described by the Committee.

9.6.4. Bonus Zoning

Bonus Zoning, as proposed by the Committee, would allow an increase in density if certain conditions are met.

We believe that this approach should be conceptualized and extended to include not just density but any kind of bonus, be it density, use, reductions in parking requirements etc.

This would greatly increase the flexibility in dealing with individual properties, while minimizing arbitrariness, since all the conditions which generate a bonus, are spelled out in advance.

Notwithstanding our general endorsement of Bonus Zoning, we must point out some potential drawbacks. Most zoning is concerned with the over utilization of space and thus sets maxima in that regard. This will probably continue until performance standards are accepted and widely used. Bonus Zoning must be carefully controlled to ensure that the bonus relates specifically to the added benefits provided, and this must be based on rational criteria. For instance, to permit a greater density if underground parking is provided, may, and often is not, logical. Similarly, to permit a greater number of units per acre if the units are assisted housing units is not necessarily wise.

In our opinion a Bonus Zoning system therefore, should be used to implement a secondary plan by establishing a direct link between the bonus and the improvement provided by the developer in exchange for it.

9.6.5. Zoning Agreements

We agree with the Committee that Agreements should be formally recognized in the Act, but suggest that only one term, probably development agreement, be used to cover subdivision agreements, zoning agreements and development agreements.

The matters to be covered should be set forth in the Act and limited in such a way to prevent municipalities from circumventing statutory powers.

9.6.6. Summary

All the techniques described in Section 9.6. are designed to improve the control function of zoning and to inject flexibility into the development control system, while maintaining an equitable and objective framework.



















































































Particularly the proposal for an Ontario Development Code based on performance standards would, in our opinion, assure that individual creativity can remain an important component of the process, despite a higher level of detail in the community control.

The concept of conditional zoning, relating individual variations to conditions to be met, is in our opinion, an essential framework if objectivity is to be increased.

1

ANALYSIS OF THE RECOMMENDATION ON DEVELOPMENT CONTROL

EVALUATION MATRIX

	D DEVELOPER INTEREST M MUNICIPAL INTEREST P PUBLIC INTEREST 	A	B	C	D	E	F	G	H	I
		INTERIM CONTROL BYLAW	HOLDING BYLAW	ZONING AGREEMENT	TEMPORARY USE ZONING	TRANSFER OF DEVELOPMENT RIGHTS	BONUS ZONING	DEVELOPMENT REVIEW	IMPACT ZONING	THREE-DIMENSIONAL TERTIARY PLAN
1	PREDICTABILITY, CERTAINTY, MINIMIZATION OF ARBITRARY POWER	 D	 D	 P		 P		 D	 P	 P
2	ABILITY TO DEAL WITH DETAILED ASPECTS	 D	 M	 M				 M	 M	 M
3	FLEXIBILITY, ABILITY TO RESPOND TO CHANGING VALUES									
4	POSSIBILITY FOR PUBLIC INVOLVEMENT AND APPEAL			 P						
5	TIME REQUIREMENTS	 D,P	 D					 D	 M	
6	STAFF REQUIREMENTS									
7	EFFECT ON TRADITIONAL ZONING BYLAW									
8	DESIRABILITY OF PLANNING POLICY STATEMENT						 D	 D		
9	SIMPLICITY OF PROCESS		 M	 M	 P	 P	 P	 M		 P

2

ANALYSIS OF THE RECOMMENDATIONS ON DEVELOPMENT CONTROL

ZONING FUNCTIONS

		PERMANENT TECHNIQUES			TEMPORARY TECHNIQUES			CONTROL TECHNIQUES		
		SECONDARY PLAN	ZONING BYLAW	BONUS ZONING	INTERIM CONTROL BYLAW	HOLDING BYLAW	TEMPORARY USE BYLAW	DEVELOPMENT REVIEW	TRANSFER OF DEVELOPMENT RIGHTS	ZONING AGREEMENT
A	GENERAL APPLICATION	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		
B	APPLICATION TO SPECIAL AREAS				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
C	APPLICATION TO INDIVIDUAL PROJECTS						<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
D	APPLICATION TO SPECIAL PROJECTS								<input checked="" type="checkbox"/>	
E	LAND USE DESIGNATION	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
F	DENSITY DESIGNATION	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
G	DEVELOPMENT STANDARDS							<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
H	APPLICATION TO UNDEVELOPED AREAS					<input checked="" type="checkbox"/>				
I	TIME LIMIT				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			

3 ANALYSIS OF THE RECOMMENDATION ON DEVELOPMENT CONTROL

LEVEL OF DESIGN CONTROL

		A	B	C
		PUBLIC AREAS	PUBLIC AREAS IN PRIVATE DEVELOPMENTS	PRIVATE AREAS
1	ENVIRONMENTAL QUALITIES	VEGETATION SUN AND SHADE WIND-AND CALM AIR POLLUTION WATER POLLUTION NOISE FLOODING WILDLIFE	VEGETATION SUN AND SHADE WIND AND CALM AIR POLLUTION WATER POLLUTION NOISE FLOODING WILDLIFE	VEGETATION SUN AND SHADE WIND AND CALM AIR POLLUTION WATER POLLUTION NOISE FLOODING WILDLIFE
2	FUNCTIONAL QUALITIES	VEHICULAR MOVEMENT PARKING FACILITIES LOADING FACILITIES PEDESTRIAN MOVEMENT LINKAGES . BELOW GROUND . ON GROUND . ABOVE GROUND INTEGRATION OF TRANSPORTATION SNOW REMOVAL	VEHICULAR MOVEMENT PARKING FACILITIES LOADING FACILITIES PEDESTRIAN MOVEMENT LINKAGES . BELOW GROUND . ON GROUND . ABOVE GROUND INTEGRATION OF TRANSPORTATION SNOW REMOVAL GROUND FLOOR ACTIVITIES	PRIVACY AREAS RECREATION AREAS PARKING REQUIREMENTS GROUND FLOOR ACTIVITIES
3	AESTHETIC QUALITIES	PUBLIC SPACE STREETSCAPES PUBLIC VIEWS AREAS OF SPECIAL IDENTITY MONUMENTS PLANTING VISUAL COHERENCE HEIGHT	HISTORICAL STRUCTURES ROOF TERRACES VISUAL COHERENCE OPEN SPACES PLANTING HEIGHT	HISTORICAL STRUCTURES HEIGHT

ANALYSIS OF THE RECOMMENDATIONS ON DEVELOPMENT CONTROL

POSSIBLE APPLICATION

[illegible]

APPENDIX

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